IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 118 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRASHANT DAULATRAM MODI

Versus

SURESH HARILAL GANDHI

Appearance:

MR ASHISH DAGLI FOR MR YOGESH S LAKHANI for Appellant

MR BM MANGUKIYA for Respondent

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 07/03/2002

ORAL JUDGEMENT

1. Heard Mr.Ashish Dagli, learned advocate for and on behalf of Mr.Y.S.Lakhani, learned advocate for the appellant and Mr.B.M.Mangukia, learned advocate for the respondent.

2. Mr.Ashish Dagli, learned advocate for the appellant seeks permission to withdraw this Appeal with a permission to receive back the plaint from the Office of the trial Court, as directed by the trial Court in its impugned order and present it, after making necessary amendment in the plaint, if law permits him to do so to the proper Court. He also seeks permission to present such amended plaint as a plaint of Summary Suit under Order-37 of the Civil Procedure Code. After hearing the learned advocates for both the parties and with the consent of Mr.B.M.Mangukia, learned advocate for the respondent, permission as prayed for is granted to Mr.Ashis Dagli to withdraw this Appeal.

3. In view of this, this appeal stands disposed of as withdrawn. No order as to costs.

(H.H.Mehta,J.)

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